

SEP 28 1978

MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

No. **78-544**

STATE OF LOUISIANA
IN THE INTEREST OF
RUSSELL GIANGROSSO, LONNIE GROS,
AND SCOTT HOOD

PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF
THE STATE OF LOUISIANA

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The petition of Russell Giangrosso, Lonnie Gros, and Scott Hood through undersigned counsel, with respect represents:

I.

There is to date no reference to the reports of opinions delivered by any of the courts in the State of Louisiana relative to the application for Jury Trial, but attached hereto is a copy of the judgment of the First Circuit Court of Appeal for the State of Louisiana bearing First Circuit Number

11,979 rendered May 3, 1978, permitting petitioners the rights to take depositions and having the victims examined but denying the request for Jury Trial. The opinion of the First Circuit Court of Appeal relative to discovery issues is reported at 361 So.2d 259. Also attached hereto is the order of the Supreme Court of the State of Louisiana dated June 30, 1978, denying petitioners the application for writs to review the right to jury trial in Supreme Court of Louisiana proceedings numbered 62,393.

II.

This Honorable Court has jurisdiction of this matter as an appeal from a court of last resort for the State of Louisiana namely the Supreme Court of Louisiana and from that judgment of the court rendered and filed June 30, 1978, in proceedings numbered 62,393.

This Honorable Court has jurisdiction to review the judgment of the Supreme Court of the State of Louisiana by virtue of 23 U.S.C.A. 1257 (3).

III.

The questions presented for review by this Honorable Court are as follows:

1. Is Louisiana Revised Statute 13:1579 unconstitutional as violative of the rights guaranteed by the 6th Amendment to the Constitution of the United States of America as made applicable to the States by the 14th Amendment due process clause.
2. Does the procedure of Louisiana as outlined in L.S.A. R.S. 13:1579 in denying jury trials to juveniles meet the tests of fundamental fairness prescribed by the

decision of the United States Supreme Court in *McKeiver & Terry v. State of Pennsylvania*, 91 Sup.Ct. 1976, 403 U.S. 528 (1971).

IV.

The particular constitutional provisions and cases involved are as follows:

- a. Constitution of the United States, Amendment VI:
"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, . . ."
- b. Constitution of the United States, Amendment XIV:
". . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
- c. *McKeiver & Terry v. State of Pennsylvania*, 91 Sup. Ct. 1976, 403 U.S. 528 (1971)

V.

STATEMENT OF CASE

On October 8, 1977, the three minor defendants were arrested at about 9:00-9:30 p.m. for allegedly raping two girls and attempting to rape one additional girl. The three defendants were immediately brought to the Ascension Parish Jail where they were questioned by a sheriff's deputy and/or juvenile officer without the benefit of consultation with their

parents or an attorney. After the interrogation, the three minors were held in the jail without bond being set.

On October 9, 1977, at the instance of counsel for defendants Giangrosso and Gros, at about 12:00 noon, bond was set by the Honorable A. J. Kling, Jr., Judge of the Parish Court at Five Thousand and no/100 (\$5,000.00) Dollars per child. At about 1:00 p.m. defendants Giangrosso and Gros were released to the custody of their parents by virtue of being bonded out of jail. Subsequent to that time, during the same afternoon, defendant Hood was released to the custody of his parents without bond.

At about 5:15 p.m., October 9, 1977, defendant Giangrosso was picked up by the sheriff's office and reincarcerated for the same alleged offense in the Ascension Parish Jail with a new Fifty Thousand and no/100 (\$50,000.00) Dollars bond. Later during the afternoon or early evening, the remaining defendants were also picked up and reincarcerated in the jail on Fifty Thousand and no/100 (\$50,000.00) Dollar bonds each.

On October 12, 1977, petitions were filed with the Clerk of Court against defendants. A hearing was had to formally charge defendants Giangrosso and Gros on October 13, 1977, at which time defendants entered not guilty pleas with counsel requesting a reduction of bond. On October 17, 1977, defendant Scott Hood was formally charged in court, pled not guilty and requested a reduction in bond. The judge advised that he would take the request under advisement. On October 21, 1977, the judge reduced the bond to Twenty-Five Thousand and no/100 (\$25,000.00) Dollars per defendant, which was posted on said date and the defendants released.

On or about November 1, 1977, attorneys for the defendants presented a Motion for Continuance of the last day for filing motions which had previously been set for November 7, 1977, and for continuance of the trial date, which had been set for November 16 and 17, 1977. This motion was also taken under advisement by the judge. Subsequently, the judge advised counsel that they would have until December 12, 1977, to file pre-trial motions and/or pleadings and that the trial date was reset for December 15 and 16, 1977.

On December 6, 1977, counsel filed with the Clerk of Court a notice of taking the depositions and requested subpoenas for the taking of the depositions of four individuals on December 9, 1977. On December 7, 1977, movers appeared in court for the purposes of and did file: (1) Motion for Transfer; (2) Motion for Preliminary Hearing; (3) Motion for Discovery; (4) Motion to Suppress Statements; (5) Motion for Trial by Jury. On December 7, 1977, the Honorable Aubert D. Talbot, District Attorney, advised counsel for defendants of his unavailability for depositions on December 9, 1977, and requested a continuance of the same until later date, at which time he would advise attorneys for the defendants whether or not he would oppose the taking of the depositions or participate in same.

On December 13, 1977, attorneys for defendants had a conference with the Honorable A. J. Kling, Jr., Judge for the purposes of ascertaining the status of the motions' date and trial date. The court advised that the motions would be heard on December 15, 1977, and trial at some time thereafter.

On December 15, 1977, the motions were heard by the court. In addition, by consent of the District Attorney, counsel

for defendants and the court, the judge also ruled on the right of defendants to take the depositions of the three complaining witnesses and the father of two of the complaining witnesses. At that time, the Honorable A. J. Kling, Jr., denied the rights of defendants to take depositions, denied the motions for jury trial, discovery and transfer. No decisions were rendered on the motions for preliminary hearing, to suppress statements and on the request of defendants for answers to various interrogatories which had also been previously filed. The District Attorney advised the court that he desired additional time within which to decide whether or not he would oppose any one or all of these additional requests.

At the time of denial of the request, attorneys for the defendants notified the court of their intention to take writs to the rulings of the court and asked that the court grant such additional time to said attorneys. The court advised that it would not stay any proceedings and that it was not necessary to grant additional time inasmuch as the attorneys for defendants could file for the writs as they saw fit.

As a result of the application for Writs of Certiorari and Mandamus being filed with the First Circuit Court of Appeal judgment was rendered by the First Circuit Court of Appeal ordering that an Alternative Writ of Mandamus issue commanding the Honorable A. J. Kling, Judge of the Parish Court for the Parish of Ascension to permit the taking of the depositions of the alleged victims and witnesses and granting to defendants the right to have the alleged victims examined by a physician.

The Court of Appeal denied the Applications for review of the denial of the trial court of defendants' motion for jury

trial and transfer of the trial matter to the district court, juvenile division.

The Supreme Court for the State of Louisiana denied the applications for review of the First Circuit Court of Appeals denial of defendants' motion for jury trial.

STATE OF PROCEEDINGS

In Parish Court for the Parish of Ascension, State of Louisiana there is presently pending the motions filed by defendant and taken under advisement by the trial judge, the Honorable A. J. Kling, and to date not ruled upon:

1. Interrogatories propounded to the State of Louisiana
2. Motion for preliminary hearing
3. Motion to suppress statements.

There are no motions, appeals or writs pending in the First Circuit Court of Appeal, for the State of Louisiana by the defendants or the State of Louisiana.

On August 11th the Clerk of the Supreme Court of Louisiana notified all parties that the Supreme Court had stayed further proceedings until further order of the court. The Supreme Court of Louisiana granted writs and has before it **only the question of the rights of defendants to take depositions and to have the alleged victims examined.** Oral arguments have not been set.

The ruling of the trial court on the motion for trial by

jury is reported as follows at page 75 of the trial court transcript:

JUDGE:

"I believe this is one of the area where the law in reference to juveniles is clear. R.S. 13:1579 provides that all cases of children shall be heard separately from the trial of cases against adults and shall be tried without a jury. This Court is not aware of any Louisiana jurisprudence which has declared that statute unconstitutional.

"The Court would further, of course, like to point out that I believe that this is something that the Legislature clearly intended in view of the fact that the jurisdictional statute, that is 13:1570, clearly sets out that for certain enumerated offenses, if the juvenile is charged with a certain enumerated offense, that these cases shall be tried by the district court, and in those cases the juvenile would have the benefit of a jury trial because he would be tried by the district court as an adult. The Court believes that the Legislature clearly intended to make an exception in cases which are less serious than the crimes which are enumerated and clearly intended that a juvenile not be tried by a jury. Whether or not the Supreme Court or the Federal courts are going to declare that unconstitutional remains to be seen. But for now this Court believes that that is the law of this State. Accordingly the Motion for a Jury Trial is hereby dismissed."

Counsel for defendants Giangrosso, Gros and Hood, timely objected to the ruling of the trial judge at page 76 of the trial court record.

BY MR. VEGA:

"Again, to which ruling of the Court we respectfully except and ask that the entire record of the motion, the objections, the transcript of the comments of myself, Mr. Robert, Mr. Talbot and the Court be made a part thereof."

BY MR. ROBERT:

"I'd also like to object, may it please the Court, Your Honor. In connection with that objection I'd like the record to note that it's our contention that the provision of the Louisiana Legislature is unconstitutional for the reasons which we have set forth. We would also like to state that it's our contention that if this matter or if the juveniles in this matter had been handled as adults would be handled or are handled that they are entitled to a trial by jury, and we would request of the Court leave in order to take writs."

VI.

ARGUMENT

The procedure followed by the State of Louisiana in juvenile cases in denying jury trial as provided in L.S.A. R.S. 13:1579 is unconstitutional and in violation of the 6th Amendment to the Constitution of the United States as well as the 14th Amendment. Juveniles are denied due process of law and specifically a trial by jury and in exchange are given a special procedure supposedly designed to aid the juvenile and relieve the adversary atmosphere and provide for due process; however, in Louisiana the juveniles are actually treated the same, or possibly worse, than adult defendants. The special juvenile procedure fails to meet the constitutional test as specified in the decision of *In Re Gault*, 387 U.S. 1, 87 Sup.Ct. 1428,

18 L.Ed. 2d 527 and *Duncan v. Louisiana*, 391 U.S. 145, 88 Sup. Ct. 1444 20 Lawyers Edition 2d 491. The factual situation herein concerning the arrest of these juveniles exemplifies the lack of consistency and total denial of due process observed by the Louisiana Courts. First the juvenile defenders herein were arrested by the Ascension Parish Sheriff's department and released the following day on a bond of \$5,000. The same day the bond was arbitrarily, capriciously and for absolutely no reason whatsoever, raised to the sum of \$50,000 and the juveniles were re-arrested and placed in the Ascension Parish Jail. Second, the juveniles were confined in an adult penal institution which has no section or cells specifically designated to house juveniles. While in the Ascension Parish Jail the juveniles were treated in all respects as adult offenders. Third, the juveniles were questioned by the Ascension Parish Sheriff's Department without their parents being notified or given an opportunity to be present and without affording them the opportunity of having counsel present during the questioning.

The juveniles were later, following a motion to reduce bond, released on a \$25,000 bond, an amount far in excess of that customarily set for juveniles or adults charged with similar crimes who have life long roots in the community.

A preliminary hearing was ordered by Judge Penrose C. St. Amant of the 23rd Judicial District Court, however, before this hearing could be held the charges were filed in the Parish Court for the Parish of Ascension without any reason whatsoever being given. The Parish Court for the Parish of Ascension is a court of concurrent jurisdiction in juvenile matters, but has no felony jurisdiction.

The Parish Court came into existence as a result of legislation passed in 1977, and officially began hearing cases January 1, 1978. It is submitted that the procedure in juvenile matters in Louisiana is arbitrary, capricious and affords the State of Louisiana the right to shop and choose a court which may or may not have the expertise in handling juvenile matters based upon felony charges.

The juveniles filed certain motions, including a motion to have the matter set for trial by jury and motions for discovery. These motions were denied and the juveniles appealed their case to the First Circuit Court of Appeals of the State of Louisiana. The Parish Court was ordered to allow the discovery as requested by the juveniles. However, before depositions could be arranged the state obtained a Stay Order from the Supreme Court of the State of Louisiana. Thus the State was able to prevent the juveniles from obtaining the discovery necessary to provide any type of defense whatsoever in this matter. It is submitted that the State of Louisiana has allowed these juveniles absolutely no discovery thereby denying them and their counsel the ability to prepare an adequate and reasonable defense, a clear denial of due process and fundamental fairness as guaranteed by the 6th and 14th Amendments to the U.S. Constitution. The leading case decided by the Supreme Court of the United States as regards jury trials in juvenile cases is the case of *McKeiver v. Pennsylvania*, 403 U.S. 528, 91 Sup. Ct. 1976 (1971). In that case the court concluded that if a state provides a special procedure for juvenile cases and this procedure meets the test of fundamental fairness and affords the juveniles due process of law then a trial by jury is not required.

In deciding the case of *McKeiver v. Pennsylvania, Supra.*,

the Supreme Court considered a series of cases expanding juvenile constitutional rights. These cases included *Haley v. Ohio*, 332 U.S. 596 68 Sup. Ct. 302, 92 L.Ed. 224. A decision in which Mr. Justice Douglas, joined by three other justices, said "Neither man nor child can be allowed to stand condemned by methods which flout constitutional requirements of due process of law." *Gallgos v. Colorado*, 37 U.S. 49, 82 S.Ct. 1209, 8 L.Ed.2d, 325; *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966); *In Re Gault*, 387 U.S. 1, 87 S.Ct. 1448, 18 L.Ed.2d 527 (1967), in which Mr. Justice Fortas, in writing for the court, reviewed the cases just cited and observed, "Accordingly, while these cases relate only to restricted aspects of the subject, they unmistakably indicate that, whatever may be their precise impact, neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."; *DeBacker v. Brainard*, 396 U.S. 28, 90 S.Ct. 163, 24 L.Ed.2d 148, (1969) in which Mr. Justice Black and Mr. Justice Douglas in separate opinions stated that a juvenile is entitled to a jury trial at the adjudication stage. Mr. Justice Black described this as "a right which is surely one of the fundamental aspects of criminal justice in the English speaking world" and Mr. Justice Douglas described it as a right required by the Sixth and Fourteenth Amendments "Where the delinquency charge is an offense that if the person were an adult would be a crime triable by jury"; in the case of *In Re Winship*, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970) the court held that "The due process clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime of which he is charged."

The decision of *McKeiver v. Pennsylvania, Supra*, holds, in short that the applicable due process standard in juvenile

proceedings as developed by *In Re Gault* and *Winship* is fundamental fairness. Therefore, it is argued that when juveniles are treated as adult criminal offenders and the juvenile system does not use the available diagnostic and rehabilitative services intended in the juvenile court system, but rather seeks to incarcerate juveniles on unreasonably high and unattainable bonds, in prison cells at an adult penal institution and where the juveniles are questioned without the presence of their parents or counsel, and where motions for discovery as provided for by the rules of civil procedure are routinely denied by the court, it can only be concluded that the juveniles, who are being treated as adults, should be entitled to the adult rights of a trial by jury in order to protect their constitutional rights and afford them the fundamental fairness required by the decision of *McKeiver v. Pennsylvania, Supra*.

Further, in this case the trial judge has ordered a report to be made before the hearing of this matter by the Louisiana State Dept. of Probation and Parole. Mr. Justice Black in his dissent to *McKeiver v. Pennsylvania, Supra*, states, "Trial by jury will provide the child with a safeguard against being prejudiced. The jury clearly will have no business in learning of the social report or any of the other extraneous matter unless properly introduced under the rules of evidence. Due process demands that the trier of facts should not be acquainted with any of the facts of the case or have knowledge of any of the circumstances whether through officials or his own department or records in his possession. If the accused believes that the judge has read an account of the facts submitted by the police or any other report prior to the adjudicatory hearing and that this may prove prejudicial, he can demand a jury and insure against such knowledge on the part of the trier of the facts." In this case, the juveniles demand such a trial by jury and

are in fear that the judge has accumulated facts and reports on this matter prior to the hearing to their prejudice.

Further, at the hearing on the motion for trial by jury, the trial judge denied any arguments by counsel concerning the treatment of the juveniles as adult offenders, restricting all arguments to cases and law. To this ruling counsel objected and reserved notes of evidence. Counsel further asked to submit their arguments in the record by means of a proffer of evidence which was denied by the trial judge, leaving the record without the necessary proffer to prove error in the rulings of the trial court.

Further, counsel for Scott Hood, an indigent, was denied a copy of the transcript of the hearing on this motion to be used in preparing these writs, all in violation of the said juvenile's constitutional rights.

Even the Louisiana Supreme Court in the case of *State in the Interest of Dino*, 359 So.2d 586, decided May 8, 1978, presently before this Honorable Court for review, recognized the severity of the consequences of juvenile adjudications. The court stated at page 595:

"The consequences which can result from a juvenile adjudication are much more severe than the legal and social sanctions which flow from many offences committed by adults who are entitled to a public trial."

In the *Dino* case the Supreme Court further recognized that the consequences of juvenile proceedings may be the same as in an adult criminal trial, when, at page 595, it stated:

"A judicial proceeding which may result in the removal

of a child from the custody of his parents and in his confinement until the age of twenty-one years is not essentially different from a criminal trial . . . Indeed, it is even possible that ultimately it could result in the juvenile being incarcerated in a penal institution with adult offenders."

Finally, the court in the *Dino* case at page 596 stated:

"Because the consequences which confront a child who is alleged to have committed a criminal offense are essentially the same as those faced by adult criminal defendants, the protections which may be afforded by a public trial in juvenile proceedings corresponding to criminal cases are of great importance."

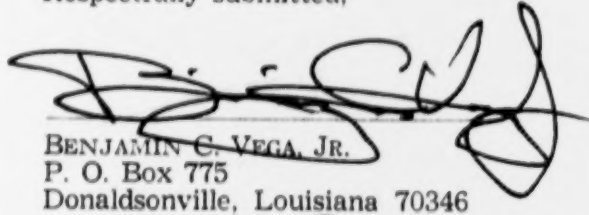
It is obvious that the Supreme Court of the State of Louisiana recognizes that juvenile proceedings in Louisiana are essentially criminal in nature and can result in punishment as an adult. It is submitted that while the Louisiana Supreme Court in the *Dino* case was addressing itself to the lesser right to a public trial, it should have taken this same position relative to the greater and more fundamental right to a jury trial as specifically guaranteed by the Sixth Amendment to the Constitution of the United States and made applicable to the States by the Fourteenth Amendment.

It is further submitted that the procedures utilized in Louisiana in juvenile matters fail to meet the Constitutional requirements as noted above and the fundamental fairness test as outlined in the *Gault* and *McKeiver* cases and that therefore this Honorable Court should declare Louisiana Revised Statutes 13:1579 unconstitutional insofar as it denies a juvenile the right to a jury trial.

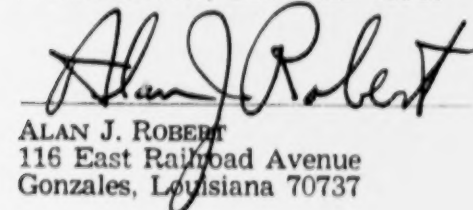
CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment of the Supreme Court of Louisiana.

Respectfully submitted,



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APPENDIX NO. 1

Defendants' Motion in Trial Court

STATE OF LOUISIANA
IN THE INTEREST OF
RUSSELL GIANGROSSO,
LONNIE GROS, AND
SCOTT HOOD

NUMBERS: 861, 886 & 887
ASCENSION PARISH COURT
JUVENILE DIVISION
STATE OF LOUISIANA

FILED: _____

CLERK OF COURT

MOTION FOR TRIAL BY JURY

On motion of Russell Giangrosso, Lonnie Gros, and Scott Hood, juveniles herein, through their undersigned counsel, move this court for a trial by jury for the following reasons, to-wit:

1.

The Sixth Amendment to the Constitution of the United States, states, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed"

2.

The United States Supreme Court in the case of *Duncan v. Louisiana*, 391 U. S. 145, 20 L. Ed. 2d., 491, 885 Ct., 1444, held that the Sixth Amendment right to a jury trial applies in State Courts where the possible penalty upon conviction is confinement for more than six (6) months.

3.

Article 1, Section 17 of the Constitution of the State of

Louisiana, adopted April 20, 1974, and effective midnight, December 31, 1974, states, "A case in which the punishment may be confinement at hard labor, or confinement without hard labor for more than six (6) months **shall** be tried before a jury of six (6) persons, five (5) of whom must concur to render a verdict"

4.

The United States Supreme Court in the decision, *RE Winship*, (1970), 397 U.S. 358, 25 L.Ed., 2d, 368, 905 Ct. 1068, has stated that a child has adult rights to Fourteenth Amendment protections, recognizing juvenile proceedings to be more than a civil hearing.

5.

The case of *Nieves v. United States*, (1968), DC NY, 280 F. Supp., 994, states that children have the right to a trial by jury in a proceeding for a violation of the criminal law, if the result of an adjudication might be commitment to an institution. This case was held to be in the nature of a criminal proceeding for the purposes of the Sixth Amendment right to a jury trial, and the Court supported the proposition that a statute which grants the child a choice of being tried as an adult by a jury, or as a youth without a jury, places an unconstitutional burden on the youth.

WHEREFORE, Russell Giangrosso, Lonnie Gros and Scott Hood, juveniles, pray that this Motion for a Jury Trial be maintained and this matter be set for hearing before a jury of six (6) persons, as prescribed by the Louisiana Constitution of 1974.

By Attorneys,

s/ Alan J. Robert

s/ Benjamin C. Vega, Jr.

APPENDIX NO. 2

Ruling of Trial Judge A. J. Kling

BY THE COURT:

I believe this is one of the area where the law in reference to juveniles is clear. R.S. 13:1579 provides that all cases of children shall be heard separately from the trial of cases against adults and shall be tried without a jury. This Court is not aware of any Louisiana jurisprudence which has declared that statute unconstitutional.

The Court would further, of course, like to point out that I believe that this is something that the Legislature clearly intended in view of the fact that the jurisdictional statute, that is 13:1570, clearly sets out that for certain enumerated offenses, if the juvenile is charged with a certain enumerated offense, that these cases shall be tried by the district court, and in those cases the juvenile would have the benefit of a jury trial because he would be tried by the district court as an adult. The Court believes that the Legislature clearly intended to make an exception in cases which are less serious than the crimes which are enumerated and clearly intended that a juvenile not be tried by a jury. Whether or not the Supreme Court or the Federal courts are going to declare that unconstitutional remains to be seen. But for now this Court believes that that is the law of this State. Accordingly the Motion for a Jury Trial is hereby dismissed.

APPENDIX NO. 3

Judgment of Court of Appeal; Re: Jury Trial

STATE OF LOUISIANA, IN THE INTEREST No. 11,979
OF RUSSELL GIANGROSSO, LONNIE
GROS, AND SCOTT HOOD

In re: Russell Giangrosso, Lonnie Gros, and Scott Hood
applying for writs of certiorari and mandamus.

ALTERNATE WRITS OF MANDAMUS, CERTIORARI AND PROHIBITION

The petition of the relators in the above entitled and numbered case having been duly considered,

IT IS HEREBY ORDERED that an Alternative Writ of Mandamus issue herein, commanding the Honorable A. J. Kling, Judge of the Parish Court for the Parish of Ascension (as Juvenile Court) to permit the taking of the depositions of the alleged victims and witnesses herein and grant the motion to have the alleged victims examined by a physician pursuant to R.S. 13:1579.1 and Articles 1429, et seq. and 1464 of the Code of Civil Procedure. In all other respects the writ is denied;

Or, in the alternative, said Judge and the respondent, Aubert D. Talbot, District Attorney for the Parish of Ascension, shall show cause in this Court, by briefs, on or before the 3rd day of June, 1978, why this writ should not be made peremptory; and

Should said Judge elect the alternative, IT IS ORDERED that a writ of certiorari issue herein, directing said Judge to transmit to the Court of Appeal, First Circuit, State of Louisiana, on or before the date aforesaid, the record, and a

certified copy of the record, of the proceedings complained of by the relators herein, to the end that the validity of the proceedings may be ascertained; and

IT IS FURTHER ORDERED, in the event the alternative is elected, that, in the meantime and until further orders of this Court, all proceedings against the relators in this cause in said Parish Court for the Parish of Ascension shall be stayed and suspended.

Granted at Baton Rouge, La., May 3, 1978.

s/ Frederick S. Ellis

s/ C. Lenton Sartain

APPENDIX NO. 4

Judgment of Supreme Court of La. Denying Writs

IN THE INTEREST OF RUSSELL
 GIANGROSSO, LONNIE GROS,
 AND SCOTT HOOD

NO. 62,393

In re: Russell Giangrosso, Lonnie Gros and Scott Hood ap-
 plying for writ of certiorari (Parish of Ascension)

Writ Denied.

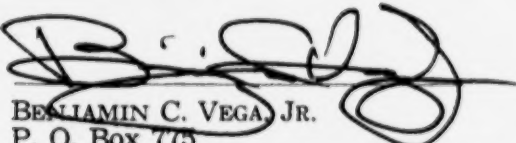
WFM
 JWS
 FWS
 AT.JR.

DIXON, DENNIS, J. J., would grant the writ.

CERTIFICATE OF SERVICE

I, Benjamin C. Vega, Jr., the undersigned attorney, hereby certify that I have this day mailed three copies of the above and foregoing Petition for a Writ of Certiorari to the Honorable Aubert D. Talbot, District Attorney for the Parish of Ascension, by depositing the same in the United States Post Office, first class, postage prepaid, addressed to Mr. Talbot at his address: P. O. Box 97, Napoleonville, Louisiana, 70390; said service being made in accordance with U.S. Sup. Ct. Rule 33 (1), 28 USCA.

Donaldsonville, Louisiana, this 27th day of September, 1978.


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